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AXA EQUITABLE LIFE INSURANCE COMPANY
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8 UNITED STATES DISTRICT COURT OF CALIFORNIA
9 SOUTHERN DIVISION
10

11 AXA EQUITABLE LIFE INSURANCE
12 COMPANY,

13 Plaintiff,

14 v.

15 H. THOMAS MORAN, II, Court-
Appointed Receiver of LYDIA CAPITAL,
16 LLC, and DAWSON & OZANNE, as
Trustee of the Alvin Fischbach Irrevocable
17 Trust,

18 Defendants.
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Case No. 3:08-cv-0569-BTM (BLM)

**JOINT MOTION FOR EXTENSION OF
TIME FOR DEFENDANT H. THOMAS
MORAN TO ANSWER OR
OTHERWISE RESPOND TO
PLAINTIFF AXA EQUITABLE LIFE
INSURANCE COMPANY'S
COMPLAINT**

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21 Plaintiff AXA Equitable Life Insurance Company ("AXA Equitable") and
22 Defendant H. Thomas Moran II, Court-Appointed Receiver of Lydia Capital, LLC ("Mr.
23 Moran"), hereby submit this Joint Motion for Extension of Time for Defendant Mr.
24 Moran to Answer or Otherwise Respond to Plaintiff's Complaint, and in support thereof,
25 aver as follow:

- 26 1. On March 26, 2008, AXA Equitable filed its Complaint in this action.
27 2. On March 26, 2008, counsel for Mr. Moran signed a Waiver of Service of
28 Summons and agreed to answer or otherwise respond to AXA Equitable's

1 Complaint by May 27, 2008.

- 2 3. On May 1, 2008, counsel for Defendant H. Thomas Moran, II, Court- Appointed
3 Receiver of Lydia Capital, LLC (“Mr. Moran”), provided counsel for AXA
4 Equitable with information in his possession relating to the underlying claims.
5 4. On May 9, 2008, counsel for AXA Equitable provided counsel for Mr. Moran with
6 information in its possession relating to the underlying claims.
7 5. Based on the information exchanged by AXA Equitable and Mr. Moran, AXA Equitable
8 intends to amend its Complaint.
9 6. In this light, and in order to allow the parties additional time to evaluate and
10 discuss the underlying claims at issue, AXA Equitable and Mr. Moran respectfully
11 move this Court for an extension until July 16, 2008 for Mr. Moran to answer or
12 otherwise respond to AXA Equitable’s Complaint.
13 7. AXA Equitable and Mr. Moran have previously requested a 30-day extension of
14 time for Mr. Moran to answer or otherwise respond to AXA Equitable’s
15 Complaint, which was granted on May 28, 2008.

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1 WHEREFORE, AXA Equitable Life Insurance Company and H. Thomas Moran
2 II, Court-Appointed Receiver of Lydia Capital, LLC, respectfully request that the Court
3 grant this Joint Motion for an extension until July 16, 2008 for Defendant H. Thomas
4 Moran II to answer or otherwise respond to Plaintiff's Complaint.

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6 Dated: June 26, 2008
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8 /s/ Richard Max Valdez

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H. THOMAS MORAN II, Court-
21 Appointed Receiver for Lydia Capital, LLC

/s/ S. Fey Epling

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